

PATENT
ATTORNEY DOCKET NO.: 056291-5025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:)
CAULKETT et al.)
Appln. No.: 09/674,559) Group Art Unit: Unassigned
Filed: January 4, 2001) Examiner: Unassigned
FOR: HETEROCYCLIC DERIVATIVES WHICH)
INHIBIT FACTOR Xa)

Commissioner of Patents
Washington, D.C. 20231
BOX PCT

Date: July 17, 2002
VIA FACSIMILE

Sir:

RESUBMISSION OF
PETITION UNDER PETITION UNDER 37 C.F.R. §1.181(a) AND REQUEST FOR
WITHDRAWAL OF ABANDONMENT - NO ABANDONMENT IN FACT

Transmitted with this cover letter, via facsimile, at the suggestion of the PCT Help Desk, are the following documents that were previously filed at the U.S. Patent and Trademark Office in the subject application, but apparently were lost or misfiled within the U.S. Patent Office:

- (1) COMPLETION OF NATIONAL PHASE OF PCT APPLICATION, filed January 4, 2001, with attached copy of the Missing Requirements Notice, the signed declaration of the inventors, and an Assignment Recordal Cover Sheet and executed assignment, directed to "BOX PCT." Also included is a copy of the PTO-stamped receipt verifying receipt of these documents on January 4, 2001.
- (2) PETITION UNDER PETITION UNDER 37 C.F.R. §1.181(a) AND REQUEST FOR WITHDRAWAL OF ABANDONMENT - NO ABANDONMENT IN

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FACT, filed July 2, 2001, in response to a Notification of Abandonment mailed June 21, 2001. The Petition included a copy of the Notification of Abandonment, a copy of the Completion document filed January 4, 2001 as noted in Item (1) above, including a further copy of the declaration and a copy of the PTO-stamped-receipt, and also a copy of the PTO-cancelled check filed with the Completion, identified as pertaining to Serial No.: 09/674,559. Also transmitted is a copy of the PTO-stamped receipt verifying file of this Petition and related papers on July 2, 2001.

(3) STATUS REQUEST (with attachments) and CHANGE OF

CORRESPONDENCE ADDRESS filed April 2002. The Status Request included a further copy of the Petition noted in Item (2) above together with the PTO-stamped receipt verifying the filing of the Petition on July 2, 2001, and also including a copy of the Completion noted in Paragraph (1) above, including a copy of the PTO-stamped receipt verifying filing of the Completion on January 4, 2001.

In brief chronology, this application was filed for entry into the National Phase of a PCT application on November 2, 2000. A Notification of Missing Requirements was mailed on December 6, 2000, in response to which the undersigned timely filed the above-noted Completion document on January 4, 2001. Nevertheless, a Notification of Abandonment was mailed on June 21, 2001, to which the undersigned timely filed the above-noted Petition and Request for Withdrawal of Abandonment on July 2, 2001. Having heard nothing further, the undersigned filed the above-noted Status Request and Change of Correspondence Address notice on April 10, 2002. Still having heard nothing further on this application, the

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undersigned telephone the PCT Help Desk on July 16, 2002, whereupon it was learned that none of the filings itemized above had yet been associated with the file. Specifically, the undersigned learned during a July 16, 2002 telephone discussion with the PCT Help Desk that neither (1) the Completion documents, nor (2) the Petition documents, nor (3) the Status Request and Change of Correspondence Address documents had been associated with the file of the subject application, which apparently still remains abandoned in the records of the U.S. Patent and Trademark Office.

It is therefore respectfully requested, in view of the attached documents and proofs of timely receipt thereof by the U.S. Patent Office, that this application be returned to active status, that a formal Filing Receipt be issued, that the assignment be recorded as of its filing date and that examination of this application on the merits be commenced.

In view of the foregoing circumstances, it is not believed that any fees should be due to the U.S. Patent Office in this proceeding. However, the Commissioner is hereby authorized to charge any additional fees which may be required to return this application to active status, or credit any overpayment to Deposit Account 50-0310.

In view of the long history of this application and repeated failures of filed documents to be associated with this application, it is urgently requested that the undersigned be notified

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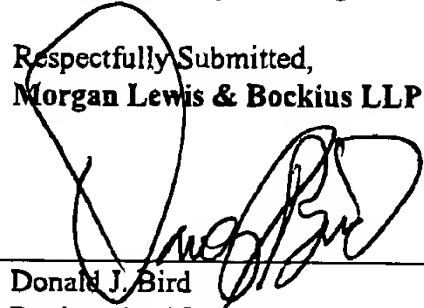
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by telephone (at the telephone number noted under the signature below) if any further information is required, so as to avoid any further delay in the processing of this application.

Respectfully Submitted,
Morgan Lewis & Bockius LLP

By:



Donald J. Bird
Registration No. 25,323
Tel. No.: (202) 739-5320
Fax No.: (202) 739-3001

Date: July 17, 2002
Morgan Lewis & Bockius LLP
Customer No. 009629
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel. No.: 202-739-3000
DJB:mk

FOR UTILITY/DESIGN
CIP/PCT NATIONAL/PLA.
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL
DECLARATIONS

RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PM & S
FORM
3339/UST

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED DERIVATIVES WHICH INHIBIT FACTOR XA HETEROCYCLIC

the specification of which (CHECK applicable BOX(ES))
X BOX(ES) → A. ☐ is attached hereto.
→ B. ☐ was filed on _____ as U.S. Application No. _____
→ C. ☒ was filed as PCT International Application No. PCT/CB99/ 01308 on 27.04.1999
and (if applicable to U.S. or PCT application) was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S) Number	Country	Day/MONTH/Year Filed	Date first Laid- open or Published	Date Patented or Granted	Priority NOT Claimed
9809351.1	GB	02.05.1998			
9903337.5	GB	16.02.1999			

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S) Application No. (series code/serial no.)	Day/MONTH/Year Filed	Status pending, abandoned, patented	Priority NOT Claimed

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Madison & Suto LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3818, telephone number (202) 861-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above firm and/or a below attorney in writing to the contrary.

Paul N. Kokufis	16773	Dale S. Lazar	28872	Mark G. Paulson	30793	Michael R. Dzwonczyk	36787
Raymond F. Lippitt	17519	Paul E. White, Jr.	32011	Stephen C. Glazier	31361	W. Patrick Bengtsson	32456
G. Lloyd Knight	17698	Glenn J. Perry	28458	Paul F. McQuade	31542	Jack S. Barufka	37087
Carl G. Love	18781	Kendrew H. Colton	30368	Ruth N. Morduch	31044	Adam R. Hess	41835
Kevin E. Joyce	20508	G. Paul Edgell	24238	Richard H. Zaitlen	27248		
George M. Sirtia	18221	Lynn E. Eccleston	35861	Roger R. Wise	31204		
Donald J. Bird	25323	Timothy J. Klima	34852	Jay M. Finkelstein	21082		
Peter W. Gowdey	25872	David A. Jakopin	32995	Anita M. Kirkpatrick	32617		

(1) INVENTOR'S SIGNATURE: Peter W. Gowdey Date: 5th October 2000
PETER WK PAULKETT

First	Middle Initial	Family Name
Residence	Cheshire	United Kingdom
City	State/Foreign Country	Country of Citizenship
Post Office Address (include Zip Code)	Alderley Park, Macclesfield, Cheshire, SK10 4TG, United Kingdom	

(2) INVENTOR'S SIGNATURE: Roger James Date: 19th October 2000
ROGER JAMES

First	Middle Initial	Family Name
Residence	Cheshire	United Kingdom
City	State/Foreign Country	Country of Citizenship
Post Office Address (include Zip Code)	Alderley Park, Macclesfield, Cheshire, SK10 4TG, United Kingdom	

FOR ADDITIONAL INVENTORS, "X" box ☒ and proceed on the attached page to list each additional inventor.
☐ See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. PM

(M#)

DECLARATION AND POWER OF ATTORNEY
(continued)
ADDITIONAL INVENTORS

COPY Page

(3) INVENTOR'S SIGNATURE:

Date: 5th October 2000

STUART	E	PEARSON
First	Middle Initial	Family Name
Residence	Macclesfield	Cheshire
City	State/Foreign Country	Country of Citizenship
Post Office Address	Alderley Park, Macclesfield, Cheshire, SK10 4TG, United Kingdom	
(include Zip Code)		

(4) INVENTOR'S SIGNATURE:

Date: 4th October 2000

ANTHONY	M	SLATER
First	Middle Initial	Family Name
Residence	Macclesfield	Cheshire
City	State/Foreign Country	Country of Citizenship
Post Office Address	Alderley Park, Macclesfield, Cheshire, SK10 4TG, United Kingdom	
(include Zip Code)		

(5) INVENTOR'S SIGNATURE:

Date: 6th October 2000

ROLF	P	WALKER
First	Middle Initial	Family Name
Residence	Macclesfield	Cheshire
City	State/Foreign Country	Country of Citizenship
Post Office Address	Alderley Park, Macclesfield, Cheshire, SK10 4TG, United Kingdom	
(include Zip Code)		

(6) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name
Residence		
City	State/Foreign Country	Country of Citizenship
Post Office Address		
(include Zip Code)		

(7) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name
Residence		
City	State/Foreign Country	Country of Citizenship
Post Office Address		
(include Zip Code)		

(8) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name
Residence		
City	State/Foreign Country	Country of Citizenship
Post Office Address		
(include Zip Code)		

(9) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name
Residence		
City	State/Foreign Country	Country of Citizenship
Post Office Address		
(include Zip Code)		

BOX ASSIGNMENTS

DO NOT USE FOR TRADEMARKS

TO THE ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS:
SIR: PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENTS OR COPY THEREOF.

1. NAME OF CONVEYING PARTY(IES) (ASSIGNORS(S)):

1. CAULKETT, Peter William Rodney

3. PEARSON, Stuart Eric

5. WALKER, Rolf Peter

7.

2. JAMES, Roger

4. SLATER, Anthony Michael

6.

8.

ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED? ☐ YES ☒ NO**COPY**

2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:

NAME: ASTRAZENCA AB

ADDRESS: S-151 85 Sodertalje, Sweden

ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED? ☐ YES ☒ NO

3. NATURE OF CONVEYANCE (DOCUMENT):

(Submit herewith only one document for recordation—multiple copies of same Assignment signed by different inventors is one document)☒ ASSIGNMENT OF☒ WHOLE☐ PART INTEREST☒ ORIGINAL☐ FACSIMILE/PHOTOCOPY☐ CHANGE OF NAME☐ VERIFIED TRANSLATION☐ SECURITY ☐ MERGER☐ OTHER:

EXEC. DATE: 1) & 3), Oct. 5; 2) Oct. 19; 4) Oct. 4 and 5) Oct. 6, 2000

EXECUTION DATE(S) ON THE DECLARATION IF FILED HERewith: (NOTE: IF DATES ON DECLARATION AND ASSIGNMENT DIFFER SEE ATTY!) 1) & 3) Oct. 5; 2) Oct. 19; 4) Oct. 4 and 5) Oct. 6, 2000

4.5 APPL. NO.(S) OR PAT NO.(S). OTHERS ON ADDITIONAL SHEET(S) attached? ☐ YES ☒ NO

09/674,559

271055

5. Name & Address of Party to Whom Correspondence
Concerning Document Should be Mailed:

Pillsbury Winthrop LLP
Intellectual Property Group
1100 New York Avenue, NW
Ninth Floor
Washington, DC 20005-3918

6. NUMBER INVOLVED:

APPLNS 0 + PATS 0 = TOTAL

1

7. AMOUNT OF FEE ENCLOSED: (Code 581)

ABOVE TOTAL x \$40 = \$40

5.5 ATTY DKT:

PMS 271055

Z70339/UST

8. IF ABOVE FEE IS MISSING OR INADEQUATE CHARGE
INSUFFICIENCY TO DEPOSIT ACCOUNT NUMBER: 03-3975

UNDER ORDER NO

9901

271055

MATTER NO.

CLIENT REF.

dup. sheet not required

CLIENT NO.

MATTER NO.

9. STATEMENT AND SIGNATURE.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

10. Total number of pages including this
cover sheet, attachments and document
(do not file dup. Cover sheet)

3

Signature

Attorney: Donald J. Bird

Reg. No. 25323

Atty/Sec: DJB/mhn

TEL: (202) 861-3027

Date: January 4, 2001

FAX: (202) 822-0944

FILE WITH PTO RETURN RECEIPT (PAT-103A)

PATENT APPLICATION

ASSIGNMENT



For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S).

PETER WILLIAM RODNEY CAULKETT, ROGER JAMES, STUART ERIC PEARSON, ANTHONY MICHAEL SLATER, ROLF PETER WALKER hereby sell(s), assign(s) and transfer(s) to ASSIGNEE, AstraZeneca AB, a company created and existing under the laws of Sweden, having its Head Office at S-151 85 Sodertalje, Sweden, and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled: HETEROCYCLIC DERIVATIVES WHICH INHIBIT FACTOR XA

and which is found in

- (a) ___ U.S. patent application executed on even date herewith;
- (b) ___ U.S. patent application executed on _____;
- (c) ___ U.S. application serial no. filed on 27.04.1999;
- (d) X International application no. PCT/GB99/01308;

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to Letters Patent any reissue or reexamination thereof;

ASSIGNOR(S) hereby covenant(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenant(s) that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

Signed this

5th day of October, 2000

Peter William Rodney Caulkett
PETER WILLIAM RODNEY CAULKETT

WITNESS: Rynda May Black
DATE: 5th October 2000

WITNESS: S. A. Dyl
DATE: 5th October 2000

19th day of October, 2000

Roger James
ROGER JAMES

WITNESS: Susan Eileen Taylor
DATE: 19 October 2000

WITNESS: S. A. Dyl
DATE: 19 October 2000

COPY5th day of October, 2000Stuart Eric Pearson
STUART ERIC PEARSONWITNESS: J. D. [Signature]
DATE: 5th October 2000WITNESS: S. A. [Signature]
DATE: 5th October 20004th day of October, 2000Anthony Michael Slater
ANTHONY MICHAEL SLATERWITNESS: S. A. [Signature]
DATE: 4th October 2000WITNESS: C. Pugh
DATE: 4th October 20006th day of October, 2000Rolf Peter Walker
ROLF PETER WALKERWITNESS: S. Taylor
DATE: 6th October 2000WITNESS: S. A. [Signature]
DATE: 6th October 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

COPY

CAULKETT et al.

Appln. No.: 09/674,559

Filed: November

FOR: HETEROCYCLIC DERIVATIVES WHICH INHIBIT FACTOR Xa

Date: July 2, 2001

**PETITION UNDER 37 C.F.R. §1.181(a) AND REQUEST FOR WITHDRAWAL OF
ABANDONMENT - NO ABANDONMENT IN FACT**

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In accordance with MPEP §711.03(c), withdrawal of the Holding of Abandonment in the above-identified application is respectfully requested, there being no abandonment in fact. Specifically, the Notice of Abandonment issued on June 21, 2001, states that the application is held abandoned for failure to respond to the Notification of Missing Requirements mailed December 6, 2000. However, a Completion was timely filed on January 4, 2001, submitting all items required by the Notification of Missing Requirements including a signed declaration and additional fees. A copy of that Completion form, together with a copy of the signed declaration and a copy of the cancelled check accompanying the Completion is attached. Also attached hereto is a copy of the Patent Office Mail Room stamped receipt for the Completion and attachments, bearing the Patent Office Mail Room stamp dated January 4, 2001. This date stamped receipt, which itemizes and properly identifies the papers filed, as well as

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COPY

the cancelled check bearing the serial number of this application, are *prima facie* evidence of receipt in the U.S. Patent and Trademark Office of all of the items listed on the receipt on the date stamped thereon by the U.S. Patent and Trademark Office. See *MPEP* §503.

The filing of the present Petition is timely, in that the Notice of Abandonment has a mailing date of June 21, 2001. In light of the above, withdrawal of the holding of abandonment and prompt favorable action on the merits are respectfully requested.

No fee should be required for consideration of this paper under the above circumstances. However, should the Patent Office deem otherwise, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §1.121 associated with this Petition or credit any overpayment to Deposit Account No. 03-3975 under Order No. 009901/0271055. A duplicate copy of this Petition is enclosed for accounting purposes.

Respectfully Submitted,

PILLSBURY WINTHROP LLP

By: 

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McLean, Virginia 22102
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DJB:mk

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Registration No. 25,323
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